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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,781	04/20/2007	Heino Hamelers	P17248-US1	6589
27045	7590	04/26/2010	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			BEHARRY, NOEL R	
			ART UNIT	PAPER NUMBER
			2446	
			NOTIFICATION DATE	DELIVERY MODE
			04/26/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/595,781	HAMELEERS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	NOEL BEHARRY	2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19,21-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19,21-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/2010 has been entered. Claims 19 and 23 have been amended. Claims 19, 21-23, and 25-28 are subject to examination.
2. Acknowledgment is made to applicant's amendment to claims 19 and 23 to obviate previous objection to these claims. Previously raised objection to claims 19 and 23 are hereby withdrawn.

### ***Response to Arguments***

3. Applicant's arguments filed 02/02/2010 have been fully considered but they are not persuasive for the following reasons:
4. **Applicant's Argument:**

Applicant argues in substance that "the applicant's specification states, "In the embodiment of Figure 2 the calling party's terminal can be a terminal that is not able to

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send multimedia information itself. In that embodiment a service network SN2 is used to send the multimedia information..." (Page 12, Lines 13-17). In other words, if the calling party terminal can't send multimedia data, the network, triggered by a demand, or trigger, in the calling party's profile, sends multimedia data to the called party in place of the calling party terminal."

5. **Examiner's Response:**

The examiner respectfully disagrees. It should be first noted that the applicant claims are all directed to providing multimedia information association with a "called party" terminal to a "calling party" terminal and not the reverse. Therefore, arguing that, if the calling party terminal can't send multimedia data, the network, triggered by a demand, or trigger, in the calling party's profile sends multimedia data to the called party in place of the calling party terminal is irrelevant. The focus at hand are independent claims 19, 23, 27, and 28 in which all claims are providing a "calling party" with a "called party's" multimedia information of which the Choe reference teaches. The argument that the problem addressed by claim 19 of the present invention is how to initiate the provision of multimedia information that is related to a terminal unable to generate the multimedia information is also irrelevant. This is because "it is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices/nc.*, 7 USPQ2d 1064." The prior art reads on the limitations of the independent claims as recited in its current state. This is because if the applicant argument & claims are directed to "how to generate multimedia

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information related to a terminal unable to generate multimedia information," the claims do not recite anything that even indicate the possibility of the terminal themselves sending the multimedia information and upon determination that the terminal cannot generate or send multimedia information will it then turn to the core network node. The claims merely state, retrieving subscriber data and sending the multimedia information to the caller based on the subscriber data. Merely stating "the demand for providing the multimedia information" in the claims is too broad. In the Choe reference, by the called party having a subscription, that is the demand to send personalized multimedia information to the calling party and by the called party not being subscribed, that's the demand to send the conventional multimedia information to the calling party (Par. 0029). So, as can be seen, this limitation is too broad. For example, Applicant states, "called party subscriber data is retrieved by the network node and in the situation that the called party is unable to provide the data, the called party data/profile includes a demand..." but the examiner submits that this is not portrayed in the claim language and it is the claims that are anticipated or unpatentable not the specification. Moreover, there is no indication in the claims that the determination as to whether the called party can or cannot send the multimedia information is determine from the subscriber data.

Regarding applicant's argument that "the access to the IDC is based on the account information, in which there is no indication in Choe that a demand or trigger is included that causes the multimedia information, the examiner submits that the exact words "demand" or "trigger" does not have to be present in the prior art for it to teach. As mentioned above, in Choe, by the called party having a subscription, that is the

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demand to send personalized multimedia information to the calling party and by the called party not being subscribed, that's the demand to send the conventional multimedia information to the calling party (Par. 0029).

Regarding applicant's argument that "Heinonen (column 4, lines 8-18) begins with "[I]n sending ringing information to a recipient handset the calling handset utilizes..." (Line 8-9). The recipient handset is a called handset, with the calling handset doing the sending. This is the opposite of the rejected limitation in claim 19, which reads "sending a network address or Universal Resource Locator (URL) address to the calling party..." Therefore, Heinonen does not disclose "sending...to the calling party terminal...;" Heinonen discloses sending to the recipient (called) terminal," the examiner respectfully disagrees. The test for obviousness is not whether the feature of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981). Therefore the combined Choe and Heinonen reference would have suggested to one of ordinary skill in the art that a search path to a data file can be transmitted in a setup message and the handset can use for example WAP, to retrieve the data file from the network server using the search path or URL (Col 4, Lines 14-18).

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 19, 21, 23, 25, 27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Choe et al. (Choe hereafter)** (US 2004/0114732 A1) in view of **Heinonen et al. (Heinonen hereafter)** (US 6,671,370).

**Regarding claim 19, Choe teaches,**

a method, in a telecommunications network, of providing multimedia information **(personalized ring back tone, Par. 0028 & 0035)** associated with a called party terminal **(called party)** to a calling party terminal **(calling party)**, the method, performed by a core network node **(Internet Data Center (IDC))**, comprising the steps of: **(Par. 0028)**

retrieving subscriber data of the called party **(Par. 0028 & 202-203 of Fig .2)**, wherein the subscriber data comprises a demand for presenting the multimedia information **(system determines whether the called party is a service subscriber); (Par. 0028)**

receiving in the core network node a call set up message comprising an identification of the called **(if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029)**

recognizing according to the subscriber data and the received identification of the called party the demand for providing the multimedia information **(if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029)**

*Although Choe teaches the internet data center 34 connected to the participating telephone service provider 30 that retrieves the ring back messages from the MCP server, when a called party 20 is the service subscriber, and delivers the personalized ring back message to a calling party 10, while the calling party 10 waits for connection to the called party 20, as a ring back tone (Par. 0026)*

**Choe** fails to explicitly teach,  
sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.

However, **Heinonen** teaches,  
sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information. **(In a cellular system, the search path to the data file is transmitted in the setup message, and the calling handset uses the same protocol; for example, WAP, to retrieve the data file from the network server of the telephone system, Col 4, Lines 8-18)**

It would have been obvious to one of ordinary skilled in the art at the time of the invention to create the invention of **Choe** to include the above recited limitations as



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taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a ringing indication that is selected by the caller (**Col 4, Lines 26-34**).

**Regarding claim 21, Choe – Heinonen** teaches,

wherein the subscriber data is related to an **IN** subscription of the called party (**intelligent network**). (**Choe; Par. 0030**)

**Regarding claim 23, Choe** teaches,

a core network node (**CNN**) (**Internet Data Center (IDC)**) in a telecommunications network for providing multimedia information (**personalized ring back tone**) associated with a called party terminal (**called party**) to a calling party terminal (**calling party**), the core network node (**CNN**) comprising (**Par. 0028**)

means for (**the PRBT system accesses to the Internet Data Center, Par. 0028**) providing access to subscriber data of a called party (**Par. 0028 & 202-203 of Fig .2**), the subscriber data comprising an indication for a demand for presenting the multimedia information (**system determines whether the called party is a service subscriber**), (**Par. 0028**)

an interface for sending messages (**MCP**), (**Par. 0024 & Par. 0029**)

an interface for receiving messages (**MCP**), (**Par. 0024 & Par. 0029**) and

a processing system for processing said messages (**PRBT system**), the processing system being adapted to: (**Par. 0028**)

process a received call set up message comprising an identification of the

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called party **(if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029)**

recognize according to received identification of the called party, the demand for providing the multimedia information **(if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029)**

*Although Choe teaches the internet data center 34 connected to the participating telephone service provider 30 that retrieves the ring back messages from the MCP server, when a called party 20 is the service subscriber, and delivers the personalized ring back message to a calling party 10, while the calling party 10 waits for connection to the called party 20, as a ring back tone (Par. 0026)*

Choe fails to explicitly teach,  
send, to the calling party terminal, a network address or Universal Resource Locator (URL) for retrieving the multimedia information.

However, **Heinonen** teaches,  
send, to the calling party terminal, a network address or Universal Resource Locator (URL) for retrieving the multimedia information. **(In a cellular system, the search path to the data file is transmitted in the setup message, and the calling handset uses the same protocol; for example, WAP, to retrieve the data file from**

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**the network server of the telephone system, Col 4, Lines 8-18)**

It would have been obvious to one of ordinary skilled in the art at the time of the invention to create the invention of **Choe** to include the above recited limitations as taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a ringing indication that is selected by the caller **(Col 4, Lines 26-34)**.

**Regarding claim 25, Choe – Heinonen teaches,**

wherein the subscriber data is related to an IN subscription of the called party **(intelligent network)**. **(Choe; Par. 0030)**

**Regarding claim 27, Choe teaches,**

a method, in a core network node of a telecommunications network, for providing multimedia information **(personalized ring back tone, Par. 0028 & 0035)** associated with a called party terminal **(called party)** to a calling party terminal **(calling party)**, the method comprising the steps of: **(Par. 0028)**

retrieving subscriber data of the called party **(Par. 0028 & 202-203 of Fig .2)**, wherein the subscriber data comprises a demand for presenting the multimedia information **(system determines whether the called party is a service subscriber)**; **(Par. 0028)**

receiving in the core network node a call set up message comprising an identification of the called **(if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based**

**on the subscriber's account information stored in the MCP server), (Par. 0029)**

recognizing according to the subscriber data and the received identification of the called party the demand for providing the multimedia information **(if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029)**

*Although Choe teaches the internet data center 34 connected to the participating telephone service provider 30 that retrieves the ring back messages from the MCP server, when a called party 20 is the service subscriber, and delivers the personalized ring back message to a calling party 10, while the calling party 10 waits for connection to the called party 20, as a ring back tone (Par. 0026)*

**Choe** fails to explicitly teach,  
sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.

However, **Heinonen** teaches,  
sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information. **(In a cellular system, the search path to the data file is transmitted in the setup message, and the calling handset uses the same protocol; for example, WAP, to retrieve the data file from the network server of the telephone system, Col 4, Lines 8-18)**

It would have been obvious to one of ordinary skilled in the art at the time of the

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invention to create the invention of **Choe** to include the above recited limitations as taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a ringing indication that is selected by the caller (**Col 4, Lines 26-34**).

**Regarding claim 28, Choe teaches,**

a method, in a core network node of a telecommunications network, for providing multimedia information (**personalized ring back tone, Par. 0028 & 0035**) associated with a called party terminal (**called party**) to a calling party terminal (**calling party**), the method comprising the steps of: (**Par. 0028**) retrieving subscriber data of the called party (**Par. 0028 & 202-203 of Fig. 2**), wherein the subscriber data comprises a demand for presenting the multimedia information (**system determines whether the called party is a service subscriber**); (**Par. 0028**)

receiving in the core network node a call set up message comprising an identification of the called (**if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server**), (**Par. 0029**)

recognizing according to the subscriber data and the received identification of the called party the demand for providing the multimedia information (**if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server**), (**Par. 0029**)

*Although Choe teaches the internet data center 34 connected to the*

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***participating telephone service provider 30 that retrieves the ring back messages from the MCP server, when a called party 20 is the service subscriber, and delivers the personalized ring back message to a calling party 10, while the calling party 10 waits for connection to the called party 20, as a ring back tone (Par. 0026)***

**Choe** fails to explicitly teach,

if the called party terminal is not able to send the multimedia information, sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.

However, **Heinonen** teaches,

if the called party terminal is not able to send the multimedia information, sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information. **(In a cellular system, the search path to the data file is transmitted in the setup message, and the calling handset uses the same protocol; for example, WAP, to retrieve the data file from the network server of the telephone system, Col 4, Lines 8-18)**

It would have been obvious to one of ordinary skilled in the art at the time of the invention to create the invention of **Choe** to include the above recited limitations as taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a ringing indication that is selected by the caller **(Col 4, Lines 26-34)**.

8. **Claims 22 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable

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over **Choe - Heinonen** in view of **Nguyen** et al. (US 2004/0120477 A1).

**Regarding claim 22, Choe - Heinonen** teaches,

wherein the call set up message is appropriate for setting up a circuit switched call (**Choe; Par. 0028**)

**Choe - Heinonen** fails to explicitly teach,

the multimedia information is provided using a packet switched connection.

However, **Nguyen** teaches,

the multimedia information (**communication requests**) is provided using a packet switched connection (**STP 108 in Fig. 1**). (**Par. 0022**)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of **Choe - Heinonen** to include a packet switched connection as taught by **Nguyen** in order to route communication requests between the various elements (**Nguyen; Par. 0022**).

**Regarding claim 26, Choe** teaches,

wherein the call set up message is appropriate for setting up a circuit switched call (**Choe; Par. 0028**)

**Choe - Heinonen** fails to explicitly teach,

the processing system is adapted to providing multimedia information using a packet switched connection.

However, **Nguyen** teaches,

the processing system is adapted to providing multimedia information  
**(communication requests)** using a packet switched connection **(STP 108 in Fig. 1)**.  
**(Par. 0022)**

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of **Choe - Heinonen** to include a packet switched connection as taught by **Nguyen** in order to route communication requests between the various elements **(Nguyen; Par. 0022)**.

### ***Conclusion***

**Examiner's Note:** Examiner has pointed out particular reference contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOEL BEHARRY whose telephone number is (571)270-5630. The examiner can normally be reached on M-TH 10-4.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. B./

Examiner, Art Unit 2446

/Benjamin R Bruckart/

Primary Examiner, Art Unit 2446